

MONTANA LEGISLATIVE HISTORY

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Chapter 74 1961

Bill H S 186 Original bill & history C

H. Committee on Judiciary

Hearing Date(s) 2 11 ☒ C

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S. Committee on Judiciary

Hearing Date(s) 1-25 ☒ C

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Did this bill originate in an interim committee? Yes No

Committee

Report

January 25, 1961.

SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Chairman, Senator Mahoney at 3:00 P. M., January 25, 1961, with the following Committee Members present:

Senators: Mahoney, Dussault, Grieve, Harken, McDonnell, McKenna and McKeon.

Senate Bill No. 186 - Public Service Commission to regulate issuance of Securities. George O'Connor, Montana Power Co., Butte, Montana; Cal Robinson, Pacific Power & light Co., Kalispel, Montana and Senator Rex Hibbs of Yellowstone County met with the committee in regard to this bill. A discussion held and then McDonnell made the motion that this bill do pass and McKeon seconded the motion. Motion carried and so ordered.

Senate Bill #198 - Senator Rex Hibbs is present and offers to amend the bill. Agreed by committee to hold.

Senate Bill #168 - Judge Harrison present to give the background of this bill on change of venue. Discussion followed with Harken making the motion that the bill do not pass. McKeon seconded the motion. Motion carried and so ordered.

Senate Bill #192 - Hold till Friday - 1/27/61.

Senate Bill #34 - Harken will have this ready for Thursday, - 1/26/61.

Senate Bill #135 - McKeon as sub-committee of one to check on this matter.

Meeting adjourned at 3:45 p. m.

January 15, 1921

MR. PRESIDENT:

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We, your Committee on Judiciary

having had under consideration Senate Bill No. 186

"AN ACT TO AUTHORIZE THE PUBLIC SERVICE COMMISSION OF MONTANA TO REGULATE AND SUPERVISE THE ISSUANCE OF SECURITIES BY PUBLIC UTILITIES FURNISHING ELECTRIC OR GAS SERVICE IN MONTANA; TO SPECIFY THE PURPOSES FOR WHICH SUCH SECURITIES MAY BE ISSUED; TO PROVIDE FOR NOTICE OF AND HEARING UPON APPLICATIONS FOR THE ISSUANCE OF SUCH SECURITIES; TO SPECIFY THE GROUNDS UPON WHICH SUCH APPLICATIONS MAY BE DENIED; PROVIDING FOR THE PROMPT DISPOSITION OF SUCH APPLICATIONS; SPECIFYING WHAT SECURITIES MAY BE ISSUED WITHOUT ORDER OF THE COMMISSION; PROVIDING THAT SECURITIES ISSUED AFTER THE EFFECTIVE DATE OF THIS ACT WITHOUT APPROVAL OF THE COMMISSION SHALL BE VOID; PROVIDING THAT NOTHING IN THIS ACT SHALL BE CONSTRUED TO IMPLY ANY GUARANTEE OR VALIDATION ON THE PART OF THE STATE OF MONTANA IN RESPECT OF ANY SUCH SECURITIES AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT HERELWITH."

Respectfully report as follows: That Senate Bill No. 186

Respectfully report as follows: That Senate Bill No. 186

February 11, 1961

JUDICIARY COMMITTEE

Meeting of the House Judiciary Committee was held at 8:45 a.m. on Saturday, February 11, 1961. Chairman Haughey presided.

Upon roll call all members were present except Jensen of Mineral.

Senate Bill No. 186 was considered. Mr. J. D. Corette of the Montana Power Company spoke in favor of this legislation. This bill is introduced by Hibbs & Mahoney. The Montana Power Company is very much interested in this legislation. We have taken this bill up with the Public Service Commission. They are in favor of the bill. This bill passed the Senate 66 to 0. This bill passed the Senate and House in 1951, but was vetoed by then Governor Bonner for the reason that no one was lobbying for it and he wasn't informed about it. It only seems reasonable that the Commission that has jurisdiction on the rates and services should also have jurisdiction on the securities. The bill is fairly easy to understand. I have talked with the Montana-Dakota Utilities people and they are also in favor of the legislation.

Senator Hibbs, R-Yellowstone, spoke also on the bill. I voted in favor of that same bill in 1951. Initially this bill was as bipartisan as it could have been.

Mr. Cal Robinson, appearing for Pacific Power and Light spoke briefly in favor of this legislation.

Motion was made by Keller and seconded by Murray that Senate Bill No. 186 Be Concurred In. Motion carried.

House Bill No. 310 was considered. Substitute bill and amendments to original bill were both considered. Motion was made by Lord that House Bill No. 310 Do Not Pass but that Substitute House Bill No. 310 Do Pass. Substitute motion was made by Bentz and seconded by Conklin that Original House Bill No. 310 As Amended Do Pass. Original motion was voted and motion failed to carry. Motion was made by Stimatz and seconded by Lord that Substitute House Bill No. 310 be amended deleting paragraph (3) in Section 13. Voted on and carried.

.....February 11....., 19..61..

MR. SPEAKER:

We, your Committee on.....JUDICIARY.....

having had under consideration.....SENATE.....Bill No. 186.....

A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE PUBLIC SERVICE COMMISSION OF MONTANA TO REGULATE AND SUPERVISE THE ISSUANCE OF SECURITIES BY PUBLIC UTILITIES FURNISHING ELECTRIC OR GAS SERVICE IN MONTANA; TO SPECIFY THE PURPOSES FOR WHICH SUCH SECURITIES MAY BE ISSUED; TO PROVIDE FOR NOTICE OF AND HEARING UPON APPLICATIONS FOR THE ISSUANCE OF SUCH SECURITIES; TO SPECIFY THE GROUNDS UPON WHICH SUCH APPLICATIONS MAY BE DENIED; PROVIDING FOR THE PROMPT DISPOSITION OF SUCH APPLICATIONS; SPECIFYING WHAT SECURITIES MAY BE ISSUED WITHOUT ORDER OF THE COMMISSION; PROVIDING THAT SECURITIES ISSUED AFTER THE EFFECTIVE DATE OF THIS ACT WITHOUT APPROVAL OF THE COMMISSION SHALL BE VOID; PROVIDING THAT NOTHING IN THIS ACT SHALL BE CONSTRUED TO IMPLY ANY GUARANTEE OR OBLIGATION ON THE PART OF THE STATE OF MONTANA IN RESPECT OF ANY SUCH SECURITIES AND REPEALING

Respectfully report as follows: That.....SENATE.....

ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH."

Respectfully report as follows: That SENATE Bill No. 186

BE CONCURRED IN:

District deemed
established.

Certificate
as evidence.

"I. In any suit, action, or proceeding involving the validity or enforcement of, or relating to, any contract, proceeding, or action of the district, the district shall be deemed to have been established in accordance with the provisions of this act upon proof of the issuance of the aforesaid certificate by the secretary of state. A copy of such certificate, duly certified by the secretary of state, shall be admissible in evidence in any such suit, action, or proceeding and shall be proof of the filing and contents thereof."

Approved February 25, 1961.

CHAPTER 74

An Act to Authorize the Public Service Commission of Montana to Regulate and Supervise the Issuance of Securities by Public Utilities Furnishing Electric or Gas Service in Montana; to Specify the Purposes for Which Such Securities May be Issued; to Provide for Notice of and Hearing Upon Applications for the Issuance of Such Securities; to Specify the Grounds Upon Which Such Applications May be Denied; Providing for the Prompt Disposition of Such Applications; Specifying What Securities May be Issued Without Order of the Commission; Providing That Securities Issued After the Effective Date of This Act Without Approval of the Commission Shall be Void; Providing That Nothing in This Act Shall be Construed to Imply Any Guarantee or Obligation on the Part of the State of Montana in Respect of Any Such Securities and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Public service
commission
to regulate
public utility.

Section 1. The right of every public utility, as defined in Section 70-103 of the Revised Codes of Montana of 1947, furnishing electric or gas service in the State of Montana, to issue, assume or guarantee securities and to create liens on its property situated within the State of Montana, is hereby subjected to the regulation and supervision of the Public Service Commission of Montana, as hereinafter in this act set forth. Such public utility when authorized by order of the commission and not otherwise, may issue

stocks and stock certificates and may issue, assume or guarantee other securities payable at periods of more than twelve (12) months after the date thereof, for the following purposes:

For the acquisition of property; for the construction, completion, extension or improvement of its facilities; for the improvement or maintenance of its service; for the discharge or lawful refunding of its obligations; for the reimbursement of monies actually expended for said purposes from income or from other monies; or for any other purpose approved by the commission.

Section 2. Such public utility, shall, by written petition, filed with the commission and setting forth the pertinent facts involved, make application to the commission for an order authorizing the proposed issue, assumption or guarantee of securities, and the application of the proceeds therefrom for the purposes specified. The commission shall, after such hearing and upon such notice as the commission may prescribe, enter its written order approving the petition and authorizing the proposed securities transactions, unless the commission shall find: That such transactions are inconsistent with the public interest; or that the purpose or purposes thereof are not permitted by this act; or that the aggregate amount of the securities outstanding and proposed to be outstanding would exceed the fair value of the properties and business of the public utility.

Public utility
shall petition
for approval.

Section 3. Such public utility may issue notes or drafts maturing not more than one (1) year after the date of such issue, renewal or assumption of liability, and aggregating (together with all other then outstanding notes and drafts of a maturity of one (1) year or less on which such public utility is primarily or secondarily liable) not more than 5 per centum of the par value of the other securities of the public utility then outstanding, without application to or order of the commission. In the case of securities having no par value, the par value for the purpose of this subsection shall be the fair market value as of the date of issuance of such notes or drafts.

Limitation
of time on
notes or drafts
issued by
public utility.

Section 4. All applications to the commission hereunder shall be disposed of promptly, and in any event within thirty (30) days after petition is filed with the commis-

Commission to
dispose of
applications
within 30 days.

sion unless, for good cause, it is necessary to continue consideration thereof for a longer period. Whenever such application is continued beyond said thirty (30) day period the commission shall enter its order effecting such continuance and stating fully therein the facts requiring continuance for a designated period of time.

Securities void
without approval.

Section 5. Except as provided in section 3 of this act, all securities issued, assumed or guaranteed after the effective date of this act without approval by the commission, as provided herein, shall be void.

State not
obligated.

Section 6. No provision of this act, or any act or deed done or performed in connection therewith shall be construed to obligate the State of Montana to pay or guarantee in any manner whatsoever any security authorized, issued, assumed or guaranteed under the provisions of this act.

Repealing clause.

Section 7. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 24, 1961.

CHAPTER 75

An Act to Repeal Section 75-3721, Revised Codes of Montana, 1947, Relating to Statement of Teaching Positions Made by the County Superintendent of Schools to the State Treasurer.

Be it enacted by the Legislative Assembly of the State of Montana:

Repealing clause.

Section 1. That Section 75-3721 of the Revised Codes of Montana, 1947, be, and the same is hereby repealed.

Approved February 27, 1961.

CHAPTER 76

An Act Relating to Officers and Elections in Cities and Towns; Providing That the Period of Residence in an Area Annexed to a City or Town Shall be Counted When Determining Whether a Person is Qualified to

Vote in an Election or Hold Office in Such City or Town, by Amending Sections 11-710, 11-713, 11-714, 11-715 and 11-716, Revised Codes of Montana, 1947; and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 11-710, Revised Codes of Montana, 1947, is amended to read as follows: Amending clause.

"11-710 (5004) **Qualification of mayor.** No person shall be eligible to the office of mayor unless he shall be at least twenty-five (25) years old and a taxpaying freeholder within the limits of the city or town, and a resident of the state for at least three years, and a resident of the city or town or an area which has been annexed by the city or town for which he may be elected mayor two years next preceding his election to said office, and shall reside in the city or town for which he shall be elected mayor during his term of office." Qualification of mayor.

Section 2. Section 11-713, Revised Codes of Montana, 1947, is amended to read as follows: Amending clause.

"11-713. (5007) **Who eligible.** No person is eligible to any municipal office, elective or appointive, who is not a citizen of the United States, and who has not resided in the town or city or an area which has been annexed by such town or city for at least two years immediately preceding his election or appointment, and is not a qualified elector thereof." Qualification of municipal officer.

Section 3. Section 11-714, Revised Codes of Montana, 1947, is amended to read as follows: Amending clause.

"11-714. (5008) **Qualification of alderman.** No person shall be eligible to the office of alderman unless he shall be a taxpaying freeholder within the limits of a city, and a resident of the ward so electing him, or a resident of an area which has been annexed by the city or town and placed in a ward, for at least one year preceding such election." Qualification of alderman.

Section 4. Section 11-715, Revised Codes of Montana, 1947, is amended to read as follows: Amending clause.

"11-715. (5009) **Registration of electors.** The council must provide by ordinance for the registration of electors in any city or town, and may prohibit any person Council must provide by ordinance for registration of electors.